UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD REGION SEVEN

PECKHAM VOCATIONAL INDUSTRIES, INC.,

Administrative Law Judge

Eric M. Fine

Respondent,

and

Case No. 07-CA-081429

UNITED PECKHAM EMPLOYEE ASSOCIATION,

Charging Party.

David J. Houston (P30448) Christina K. McDonald (P73517) DICKINSON WRIGHT PLLC Attorneys for Respondent Peckham Vocational Industries, Inc. 215 South Washington Square, #200 Lansing, MI 48933 (517) 487-4777

Russell G. Webb (P58517)
Peckham Vocational Industries, Inc.
Co-counsel for Respondent Peckham Vocational Industries, Inc.
3510 Capital City Boulevard
Lansing, MI 48906
(517) 316-4111

Ingrid L. Kock (P59250) National Labor Relations Board Counsel for the Acting General Counsel 477 Michigan Avenue, Room 300 Detroit, MI 48226-2569 (313) 226-3233

RESPONDENT'S MOTION FOR PARTIAL SUMMARY JUDGMENT (BULLETIN BOARDS)

Respondent, Peckham Vocational Industries, Inc. ("Peckham"), by and through its undersigned attorneys, moves for a dismissal of this proceeding with respect to the claims concerning Peckham's bulletin boards (paragraphs 11, 12, and 13 of the Charging Party's Complaint) for the reasons stated below, and in the attached *Brief in Support of Peckham Vocational Industries, Inc.'s Motion for Partial Summary Judgment (Bulletin Boards)* attached hereto:

- 1. Peckham has a policy that strictly prohibits any postings on its bulletin boards that are unrelated to Company information and notices. The policy also requires employer approval before one can post on Peckham's bulletin boards.
- 2. Peckham's policy has been enacted and uniformly enforced since at least August 2010, which significantly pre-dates Respondent's knowledge of any protected activity by Charging Parties or the alleged labor organization or any predecessor to any of them.
- 3. Peckham's policy is facially valid under established Board precedent, including but not limited to *The Guard Publishing Co. d/b/a Register Guard*, 351 NLRB No. 70 (2007).
- 4. Peckham's policy has been uniformly applied and Peckham has not impermissibly discriminated along Section 7 lines.
- 5. Since Peckham's policy pre-existed Peckham's notice of protected activity, the relevant allegations were not motivated by antiunion or other improper animus.

WHEREFORE, Peckham requests that paragraphs 11, 12, and 13 of the Charging Party's Complaint with respect to bulletin boards be dismissed.

Respectfully submitted,

DICKINSON WRIGHT PLLC

(517) 371-1730

Dated: August 23, 2012

By:

David J. Houston (P30448) Christina K. McDonald (P73517) Attorneys for Respondent Peckham Vocational Industries, Inc. 215 S. Washington Square, Suite 200 Lansing, MI 48933-1816

By:

Russell G. Webb (P58517)
Co-Counsel for Respondent
Peckham Vocational Industries, Inc.
3510 Capital City Boulevard
Lansing, MI 48906
(517) 316-4111

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